

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Charles Donald Montgomery, Jr.

Serial No: [NEW]

Filing Date: [NEW]

Title: Method of Adapting an Optical Network to Provide Lightpaths to Dynamically Assigned Higher Priority Traffic

Attorney Docket No.: AFIBU.0102

DECLARATION AND POWER OF ATTORNEY

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the first, original and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention, design or discovery entitled:

**METHOD OF ADAPTING AN OPTICAL NETWORK TO
PROVIDE LIGHTPATHS TO DYNAMICALLY ASSIGNED
HIGHER PRIORITY TRAFFIC**

the specification of which is identified above.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose to the Office all information known to us to be material to the patentability of this application as defined by Title 37, Code of Federal Regulations, § 1.56.

I hereby claim no foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate.

I hereby claim benefit under 35 U.S.C. § 119 or § 120 as may be applicable, of United States application for patent, serial number 10/118,084 filed on April 8, 2002, which claims priority on United States application serial number 60/282,318 filed on April 6, 2001.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in § 1.56 which became available between the filing date of any prior application(s) and the national or PCT international filing date of this application.

I hereby appoint:

David W. Carstens	Registration No. 34,134
Duke W. Yee	Registration No. 34,285
Colin P. Cahoon	Registration No. 38,836
Vincent J. Allen	Registration No. 45,514
Jeffrey G. Degenfelder	Registration No. 44,647
Betty Formby	Registration No. 36,536
Casey L. Griffith	Registration No. 47,610
Scott L. Harper	Registration No. 45,783
Patrick C. R. Holmes	Registration No. 46,380
Mike R. Nichols	Registration No. 46,959
Christopher P. O'Hagan	Registration No. 46,966
Stephen R. Tkacs	Registration No. 46,430
Stephen J. Walder	Registration No. 41,534
Lisa L. B. Yociss	Registration No. 36,975

each with the firm of Carstens, Yee & Cahoon, L.L.P., our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities under the Patent Cooperation Treaty.

Send correspondence to: **Carstens, Yee & Cahoon, L.L.P.**
 P.O. Box 802334
 Dallas, Texas 75380

Direct telephone calls to: **David W. Carstens**
 (972) 367-2001

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of First Inventor: **Charles Donald Montgomery, Jr.**

Inventor's Signature: _____ Date: _____

Residence: 1432 Cross Bend Road
Plano, TX 75032

Citizenship: United States of America

Post Office Address: Same as above